



BOARD OF BARBERING AND COSMETOLOGY
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
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**Board of Barbering and Cosmetology
Ronald Reagan State Building
300 South Spring Street
Los Angeles, CA 95814**

MEETING OF THE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF APRIL 24, 2006

BOARD MEMBERS PRESENT:

Joe Gonzalez, Vice President
Richard Hedges
Frank Lloyd
Bonnie LaChappa
Marlene Gadinis
Angela Reddock
Jerry Tyler
Jerri Ann Walters
Dr. Della Condon (absent)

STAFF MEMBERS PRESENT:

Kristy Underwood, Executive Officer
Denise Johnson, Asst. Executive Officer
Gary Duke, Staff Counsel
James Jacobs, Supervising Inspector
Troy Meza, Board Analyst
Theresa Rister, Board Analyst

1. Agenda Item #1, CALL TO ORDER/ROLL CALL

In the absence of Dr. Condon, Mr. Gonzalez called the meeting to order at 9:40 a.m. He welcomed the audience. The board members and staff introduced themselves.

2. Agenda Item #2, PRESIDENTS REPORT

Mr. Gonzalez address' the audience stating Dr. Condon will not be attending the board meeting due to her illness and that is the reason why she could not meet with Senator Figueroa during the Sunset Hearing. Mr. Gonzalez reads a memo from Charlene Zettel, Director of DCA. He also notes that the Board staff did not receive this memo.

MEMO READ INTO THE RECORD

3. Agenda Item #3, RECONSIDERATION OF FEBRUARY 27, 2006 BOARD ACTION REGARDING ELECTION OF OFFICERS: PRESIDENT AND VICE PRESIDENT

Mr. Hedges presented background on the issue. He does not believe the Board is looked upon favorably by the legislature. The Joint Committee on Boards, Commission & Consumer Protection, believes that in order to fulfill the mandates of 2003, this Board must move forward with new officers. Dr. Condon was unable to attend a meeting headed by Senator Figueroa

and was seen as a rebut by the committee. To keep this board alive, Mr. Hedges believes new leaders are needed. He made the motion that the board reconsider the two motions in the February 27, 2006 meeting that resulted in the election of Dr. Condon as president and Mr. Gonzalez as vice president. Ms. Gadinis seconded the motion.

Public Comment:

Ramona Gamache, addressed the Board on the Sunset process. Mr. Hedges explained various issues that were outlined in the current Sunset Review Report and many have not been completed. Issues included fine increases, exam cost calculations, streamline the license process, reciprocity, and speeding up the process.

Leeanne Patterson, noted she attended the Sunset Review Hearing to speak. She and other individuals expressed many concerns regarding statutory violations of the Business and Professions Code. She indicated she would like a new Board.

Nadene Bruder of San Diego asked why Board members did not know of the statute before last meeting's elections. She also questioned if it was a legal action to change the vote and election results. Mr. Duke explained the Board's election policy and noted reconsideration is a legal form of parliamentary procedure. She also asked why Dr. Condon was not included in the current discussion.

Mr. Gonzalez indicated he spoke to Dr. Condon on this item.

Ms. Reddock indicated she was confident in Dr. Condon and Mr. Gonzalez continuing as president and vice president however, if the legislature is disappointed in our current board then we need to reconsider new board officers.

Mr. Gonzalez noted he and Dr. Condon support whatever is best for the Board.

Steve Handler, union representative, addressed the Board. He supported the Dept. of Consumer Affairs direction of change in leadership for the Board.

Ramona Gamache, commented on same day licensing. She also asked if Dr. Condon was fully aware of the agenda item today. Ms. Reddock noted she was.

Diane Torres, Education Consultant addressed the Board and she wondered if deception was taking place regarding the reconsideration. She expressed concern about the trends of privatization of special interests. It is at the expense of the health and safety of the consumer and lowering the standards. She felt the Professional Beauty Federation of California does not represent the industry, but special interest groups. She expressed concerns that the Dept. of Consumer Affairs was not supportive of the Board. In concluding, she does not want the Board taken over by special interests.

Mr. "Gee" Vega addressed the Board. He noted the Board is greatly needed for the industry. The Board needs to understand the industry needs.

Tammy Gaboury addressed the Board. She finds it very appalling that we need to do this again.

Mr. Tyler noted every Board has a sunset review. The last 12 years we have been brought before the Sunset Committee. At the Sunset hearing, it was stated we need to follow-up on the recommendations and very little was being done. Mr. Hedges stated working groups will help. Ms. Reddock stated, if we do not take this seriously, we will be sunsetted, due to the current leadership, we need new leadership. Mr. Tyler noted that each time you go through the sunset process, specifics are given to the board. We are not following up on those specific areas.

Juana Hernandez addressed the Board. She was concerned Dr. Condon was not included in the discussion. Mr. Hedges again reiterated Dr Condon did have the knowlegde that she could have attended by a telephone.

Peter Westbrook addressed the Board. He expressed concerns that the board may not fairly represent every segment of the industry. He hoped with today's potential election a well balanced decision making process can be achieved.

Mr. Lloyd commented that the officers will only change, no board member is leaving.

Ken Williams addressed the Board. He hoped the Board would move on and resolve the controversy.

Diane Torres, Education Consultant, indicated she felt uncomfortable not having the entire board present for this important discussion. She supported positive change without personal agendas.

Mr. Hedges called for the question. The motion passed by a 8-0 vote.

Mr. Hedges made the motion to invalidate the previous election. Mr. Lloyd seconded the motion, and it passed by a 8-0 vote.

4. **Agenda Item #4, ELECTION OF OFFICERS** (if necessary based on action taken in agenda item 3)

Mr. Hedges nominated Jerry Tyler as President, effective immediately. Mr. Lloyd seconded the motion. Ms. LaChappa nominated Mr. Hedges, who declined. Mr. Gonzalez ask for any other nominations.

PUBLIC COMMENT

Diane Torres commented she was surprised Dr. Condon was not nominated, in accordance with the vote in February. She expressed grave concern over Mr. Tyler becoming president. She also believed the election needed to be reposted after the vote to approve reconsideration. Legal counsel indicated that the election was properly noticed and is legal.

Lisa Smith, Riverside Community College expressed her concern over the legislature's views of the effects of change in officers.

A speaker from the audience was concerned the election process was being undertaken too quickly.

Another speaker from the audience reiterated if new leadership is not voted in, the process of sunseting could possibly begin. Another member felt the nominations were very one sided, where is the balance?

Mr. Tyler specifically stated that The Joint Committee voted 6-0 to sunset the Board and reconstitute due to a change in leadership.

Ms. LaChappa nominated Angela Reddock for president.

Mr. Lloyd says there are 9 of us and he is a public member. Mr. Tyler notes that all of us have credentials, we have all been interviewed, our backgrounds checked, etc. We do have a balance, each one of us is different.

A male member of the public questioned a possible conflict of interest issue resulting from Mr. Tyler being elected as president. Legal counsel stated there is no conflict of interest.

(THE BOARD TOOK A 10 MINUTE BREAK AT THIS TIME – THE MEETING WAS RECONVENED AFTER THE BREAK)

Ms. Reddock and Mr. Tyler talked about their experience and qualifications to be president of the Board. The vote was taken. It was voted 5-3 (Gonzalez, LaChappa, Reddock) to elect Mr. Tyler as president. It was voted 3-5 (Gadinis, Hedges, Lloyd, Tyler, Walters) to elect Ms. Reddock president. As a result, Jerry Tyler was voted president of the Board. Mr. Gonzalez turned over the gavel to Mr. Tyler.

The meeting then turned to the issue of electing a vice president. Mr. Tyler nominated Mr. Hedges for vice president, it was seconded by Ms. Gadinis. Mr. Gonzalez nominated Ms. Reddock for vice president, Ms. Reddock declined. It was voted 7-0-1 (Gonzalez) As a result, Richard Hedges was elected vice president of the Board. Mr. Tyler and Mr. Hedges briefly addressed the Board. Mr. Gonzalez expressed his support for the new officers, he looks forward to working with the new officers.

5. Agenda Item #5, POLICY ON ELECTION OF BOARD OFFICERS

Ms. Underwood described SB 1474, a bill introduced by Senator Figueroa. The Bill would require the Board to annually elect officers from among its members, for a term of one year. The bill also makes it a misdemeanor for any licensee to use a laser in treatment. The Board discussed the policy and asked for clarification of the "terms". Mr. Duke noted the current policy indicates a two year term. Mr. Lloyd made the motion to change the policy to indicate a one year term. Mr. Lloyd clarified his motion: to support the bill and change the policy to reflect a one year term, and elections to be held annually in January and no board member will

serve more than two consecutive terms. If a member is elected into an existing term, the member would not be prohibited from being elected for office two consecutive terms. The motion was discussed in depth. Mr. Hedges seconded Mr. Lloyd's motion. It was approved by a 8-0 roll call vote.

The Board Members discussed establishing Board Policies. A committee was developed to review the policies. Mr. Gonzalez and Ms. Walters volunteered to be on the committee. They will develop and review the current policy and discuss at the next board meeting. Ms. Underwood indicated that draft policies and procedures are being prepared and will be provided to the committee.

6. Agenda Item #6, EXECUTIVE OFFICER REPORT

Workload Statistics: Ms. Underwood noted applications submitted in March are currently being processed. This is a tremendous improvement from the past. Staff is continuing to explore ways to reduce the number of no-shows at exams. We are currently overbooking by 8 candidates each day by using an extra room. We are working with the schools to reduce the "no shows". Mr. Lloyd noticed an increase in the practical and written pass rate. Ms. Underwood credits the new hiring of the licensing manager, Heather Berg, for the big turn around.

Mr. Gonzalez has concerns that schools are not being inspected. Ms. Underwood reiterated that schools are still being inspected. Mr. Tyler states that inspections should be an educational process, the students would like the inspector to come in and give an inspection on health and safety issues. Mr. Lloyd had questions on citations vs violations. Mr. Jacobs clarified that a citation is the entire report, and a violation is an individual section of the law

Ms Underwood gave a review of the disciplinary review stats. Mr. Tyler thanked Ms. Underwood and her staff for all of their work in catching up. Enforcement will be looked at next for a better way to report their statistics.

Ms. Underwood noted staff is getting involved in tradeshow. She commended Ms. Rister for her hard work. They provide great visibility for the Board and the chance to distribute information to attendees. Staff and board members were also available for questions from attendees and noted there were many. Board members agreed this was a valuable activity.

7. Agenda Item #7, DEPARTMENT OF CONSUMER AFFAIRS REPORT

Ms. Underwood indicated at this time there was nothing to report.

(THE BOARD ADJOURNED FOR A BREAK AND RECONVENED AT 1:00 TO ADDRESS AGENDA ITEMS #22 AND 23)

It was agreed to address the following items: 19, 12, 9, 11, 13. After agenda items 22 & 23.

22. Agenda Item #22, PETITION FOR REINSTATEMENTS

The Administrative Law Judge conducted the proceedings for the petition for reinstatements.

**Nelson Jose Arismendy
Phuoc Hanh Thi Nguyen**

CLOSED SESSION:

23. Item #23, DECISION ON REINSTATEMENT AND DISCIPLINARY CASES [Closed pursuant to Government Code Section 11126(c)(3)]

OPEN SESSION:

19. Agenda Item #19, RECOMMENDATION ON EXAMINATION APPEAL CANDIDATE

Mr. Duke explained that the Board received an appeal for an examination. Mr. Lloyd and Ms. Reddock met to review the appeal. Regulation 934 indicates appeals will only be accepted regarding significant procedural errors, or adverse environmental conditions. Three issues were raised by the appellant, noting violations of the Business and Professions Code. Mr. Lloyd reviewed the recommendations of the committee. Mr. Duke noted the appellant has taken the examination many times and has not passed. Mr. Lloyd made the motion to grant the appeal and issue the license. It was seconded and passed by an 8-0 vote.

12. Agenda Item #12, REVIEW OF EXAMINATIONS CONDUCTED IN STATE CORRECTIONAL FACILITIES

Ms. Underwood noted staff previously went to Correctional facilities and administered the exam, but it was discontinued. Staff researched why the process was stopped. The Department of Corrections has expressed their strong hope to restart the process; staff is currently exploring options. Certain issues need to be addressed to ensure instructor and examiner safety, and other issues. Staff will work on implementing criteria. Mr. Hedges has concerns on training people in prisons, once they are released, we deny their licensure, a review of the denial criteria needs to be looked at.

PUBLIC COMMENT

Phil Tunstall, of YCF in Chino, addressed the Board. He runs a barber school within the Youth Authority. He noted the majority of his graduates have been very successful. Safety of the instructors is their utmost concern and plenty of security is provided. Mr. Tunstall offered to provide a tour to any Board member or staff.

Mr. "Gee" Vega noted he toured the correctional facility on behalf of the State Board. He indicated he felt safe and was impressed by the many programs available. He encouraged the Board to consider restarting their program.

Mr. Hedges suggested visiting all the prisons and give authorization on a facility-by-facility basis. Mr. Lloyd also made a suggestion to possibly have them pass the exam before they are

released. Mr. Tyler made the motion to allow staff to move forward on returning to exams in prison. The motion was seconded and passed by a 8-0 vote.

8. Agenda Item #8, FOOTSPA WORKGROUP

Mr. Tyler indicated the footspa workgroup is a strong professional group, and is providing a lot of input. Mr. Gonzalez questioned why the Department did not want to approve the Footspa Bill AB 1263 and asked Ms. Underwood for a copy of their reasons. Mr. Duke stated that the Bill would have made the Board responsible and not the manufacturer. Mr. Jacobs noted the first time a shop is inspected it should be for a routine inspection, the second time would be a directed inspection, the third time the case would be turned over to the attorney general's office for license revocation. Ms. Underwood reminded the Board that these new procedures have been approved by the working group, some wording may be changed, but recommends to approve. The motion was made and seconded to approve the recommended procedures. It was passed by an 8-0 vote.

9. Agenda Item #9, APPROVAL OF FEBRUARY 27, 2006 BOARD MEETING MINUTES

A motion was made and seconded to approve the February 27, 2006 minutes

10. Agenda Item #11, REVIEW AND RECOMMENDATIONS OF THE ADMINISTRATIVE FINE SCHEDULE

Ms. Underwood gave overview of the Task Force meeting. All fines were reviewed and discussed. The task force agreed and recommended to eliminate waivable fines and attach a non-waivable fine to every violation. Licensees will be notified with a copy of the new fine amounts. A motion was made and seconded to move forward with the regulatory process on establishing the new fines. It was passed by an 8-0 vote.

13. Agenda Item #13, REVIEW AND RECOMMENDATION ON CURRENT FEE STRUCTURE

Staff has researched a possible application/license fee increase. They are recommending an increase from \$50 to \$95 to cover costs and other expenses. Staff feels this is still reasonable. Mr. Lloyd made a motion to increase the fees to \$95. The motion was seconded and passed by a 8-0 vote.

PUBLIC COMMENT:

A female audience member asked if there would still be a \$9 pre-application fee in addition to the \$95. Staff affirmed this.

14. Agenda Item #14, PROPOSAL TO INCREASE INSPECTION STAFF

Staff presented their proposal to increase inspection and support staff. The fee increase will assist in securing these positions. Mr. Jacobs noted in 1996 they had 17 inspectors, they now have 18. Inspectors are currently working with their union for a salary increase. Mr. Jacobs stated that an increase in workload has been an ongoing issue that has never been resolved. The board members recognized that a salary increase is needed for the inspectors. Staff is currently recommending 35 new positions. Mr. Gonzalez made the motion to accept staff's proposal. The motion was seconded and passed by a 8-0 vote.

15. Agenda Item #15, UPDATE ON THE SUNSET PROCESS.

Ms. Underwood provided an update of the Sunset review process stating the Joint Committee did vote 6-0 to support the sunset language, which includes the immediate sunset and reconstitution of the Board. The next step is possible legislation. Additional information is expected in sometime in May. Ms. Reddock suggested that the Board President send a letter to Senator Figueroa addressing the sunset review issues and possibly meet with her for discussion. Mr. Tyler agreed and suggested a working group be formed to address sunset issues. Mr. Tyler and Mr. Hedges volunteered to be on the committee. A motion was made and seconded to direct Ms. Underwood prepare a letter for the Presidents signature, outlining the Sunset Review. It was approved by an 8-0 vote.

16. Agenda Item #16, APPROVAL OF THE BARBER VALIDATION REPORT

Ms. Underwood provided a summary. A motion was made and seconded to accept the validation report. It was approved by an 8-0 vote.

PUBLIC COMMENT

Mr. "Gee" Vega did not understand the report. Ms Underwood gave an overview.

17. Agenda Item #17, DISCUSSION ON THE NATIONAL EXAM

Mr. Tyler raised some issues regarding the National Exam. Mr. Hedges questions the effect on OER and the cost. Mr. Tyler recommended to put a working group together to do a study of OER, NIC and the Senate. Ms Gadinis suggest OER and NIC to be at our next board meeting for discussion and then establish a working group. Ms. Underwood will coordinate with the OER and NIC for the June Board Meeting.

18. Agenda Item #18, REVIEW OF INDUSTRY TRENDS

The Board agreed to set aside for the next Board Meeting

10. Agenda Item #10, LEGISLATION AND PROPOSED REGULATIONS

AB 861: Ms. Underwood gave an update stating she has not received a response from Assembly Member Bass' office. Mr. Lloyd suggested that the Legislation and Regulatory Committee take a look at this bill. Mr. Tyler suggested that we go over the committees and reassign, take a look at appointing new committee members. Mr. Tyler asked all Board Members to contact him with their interests in serving. It was agreed to take a watch position on this Bill

SB 1474: Discussed under Item 5, above.

AB 1793: The bill would revise the definition of threading to include incidental trimming of eyebrow hair; it would extend the operation of the provision until July 1, 2008. The bill would take effect immediately. Ms. Underwood clarified that the Board did support this language in the past under a different Bill and the Boards staff at the time assisted with the language. There was a motion made and seconded to support and amend to strike the words incidental trimming of eyebrow hair". It was passed by an 8-0 vote to oppose.

20. Agenda Item #20, AGENDA ITEMS FOR NEXT MEETING

Exterior; Sunset Review Process; National Exam, Reciprocity; Meet with OER/NIC; Update on Footspa; Legislation Updates; Reform new committees; Establish Quarterly Meetings; Re-Establish Committee Meetings; Working Groups; Pen & Paper Exam; Industry Trends.

21. Agenda Item #21, PUBLIC COMMENT

Maria Hernandez, school owner comments that it should be up to the students on how they want to take their exam.

Patricia Gardner spoke in support of the national exam. Raise the standards of everyone.

Ms. Hensley reminded the Board that teaching sanitation is stressed more than sterilization. She recommended using terms people use more often in the field.

Mr. "Gee" Vega asked the Board to review the reinstatement of the instructor's license.

24. ADJOURNMENT

There being no further business, the meeting was adjourned.